IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY FIRST DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO: 12402 of 2004

Between:

1 Smt. N. Gangamma W/o. Late Sri N. Rajalingam,
H.NO. 2-126, Sherif Nagar, Chaitanyapuri Cross Roads, Gaddiannaram

Municipality, Dilsukhnagar, Hyd.
2 Sri N. Raju S/o. Late Sri N. Rajalingam,
H.NO. 2-126, Sherif Nagar, Chaitanyapuri Cross Roads, Gaddiannaram

Municipality, Dilsukhnagar, Hyd.
3 Sri N. Srinu S/o. Late Sri Rajalingam
H.NO. 2-126, Sherif Nagar, Chaitanyapuri Cross Roads, Gaddiannaram

Municipality, Dilsukhnagar, Hyd.

..... PETITIONERS

AND

1 The Government of A.P., rep. by its Secretary, R&B, Hyderabad . A-P.
2 The District Collector, R.R. District.
3 The Executive Engineer, R&B, N.H.No. II Division, R&B Bulds, A.C.

Guards Hyd.
4 The Gaddinnaram Municipality, rep. by its Commissioner, Gaddiannaram,
Dilsukhnagar, Hyd.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in trying to demolish the structure and also taking possession of the open land of the petitioner premises bearing No. 2-126, main road, Chaitanyapuri, Gaddiannaram Municipality, Dilsukhnagar, R.R. District l;Hyd for the purpose of road widening without following the due procedure of law, and without paying compensation is illegal, arbitrary and violative of Articles 21

and 300-A of the Constitution of in the interest of justice.

Counsel for the Petitioner: MR.CH.RAVINDER

Counsel for the Respondent Nos.1 to 3: GP FOR ROADS & BUILDINGS

Counsel for Respondent No.4: Mr. K.Thimma Reddy

The Court made the following:

HONOURABLE Dr. JUSTICE G.YETHIRAJULU

WRIT PETITION NO.12402 OF 2004

ORAL ORDER:

The petitioner apprehends that there is likelihood of demolition of his building bearing D.No.2-126, Main Road, Chaitanyapuri Cross Roads, Gaddiannaram Municipality, Dilsukhnagar, Hyderabad for the purpose of road widening.

2. The petitioner contends that the respondents are likely to demolish the building without following the procedure prescribed under law and without paying any compensation, therefore, he approached this Court requesting to direct the respondents not to demolish the structure in the above premises without following due procedure of law.

3 . The learned counsel for the respondents represented that the respondents are not taking up any demolition work at Chaitanyapuri i.e., at House No.2-126, Main Road of N.H-9 Road.

4 . In view of the specific representation made by the counsel for the respondents, the writ petition is treated as not maintainable without any cause of action. In the event of any proposal for acquisition and demolition of the building of the petitioner or widening of the road in the open place in front of the house of the petitioner, they shall follow the procedure prescribed under law in respect of the property owned by the petitioner.

5. The Writ Petition is accordingly dismissed.

Dr. G.YETHIRAJULU, J.

21st July, 2004.

SKM

Note:

C.C. within three days.

B/O.

SKM

TO

1 The Government of A.P., rep. by its Secretary, R&B, Hyderabad . A-P.
2 The District Collector, R.R. District.
3 The Executive Engineer, R&B, N.H.No. II Division, R&B Bulds, A.C.

Guards Hyd.
4 The Gaddinnaram Municipality, rep. by its Commissioner,

Gaddiannaram, Dilsukhnagar, Hyd.

5. Two C.Cs. to G.P. for Roads and Buildings, High Court Buildings,

High Court of A.P., Hyderabad, (OUT)

6 Two C.D.Copies.